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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,201	06/01/2006	Takuhiro Ushino	292006US0PCT	3202

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

AHMED, SHEEBA

ART UNIT	PAPER NUMBER
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1794

NOTIFICATION DATE	DELIVERY MODE
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08/08/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/581,201	Applicant(s) USHINO ET AL.	
	Examiner SHEEBA AHMED	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/30/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Amendments to claim 4 have been entered in the above-identified application. Claims 1-8 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 1 recites a wave plate comprising two or more retardation films, wherein the retardation films are not bonded to each other in the laser beam transmission area. However, there is no antecedent basis for “the laser beam transmission area”. Appropriate clarification and/or amendment are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubo et al. (US 6,295,109 B1).

Kubo et al. disclose a liquid crystal display device includes a first substrate; a second substrate; a liquid crystal layer interposed between the first substrate and the second substrate; a first polarizer provided on a surface of the first substrate which is on the opposite side to the liquid crystal layer; a second polarizer provided on a surface of the second substrate which is on the opposite side to the liquid crystal layer; **a first phase compensation element** provided between the first polarizer and the liquid crystal layer; and **a second phase compensation element** provided between the second polarizer and the liquid crystal layer (See Abstract). The above reference meets all the limitations of claims 1-3.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Saiki et al. (US 6,747,720 B2).

Saiki et al. disclose a polarizing plate provided with an optical compensation film and includes a polarizing plate, an adhesive layer A, an optical compensation film,

and an adhesive layer B adhered to one another, wherein the polarizing plate comprises a polyvinyl alcohol polarizing film containing a dichroic substance (See Abstract). In one embodiment of the present invention, a transparent protective film as a protective layer may be adhered to one side or both sides of a polarizer made of a polyvinyl alcohol polarizing film including a dichroic substance, for example, via a suitable adhesive layer, such as an adhesive layer made of a vinyl alcohol polymer. The process for adhering the polarizer (polarizing film) and the protective film, that is, the transparent protective film may be conducted using, for example, an adhesive made from a vinyl alcohol polymer or an adhesive made from at least a water soluble crosslinking agent for vinyl alcohol polymer, such as boric acid, borax, glutaraldehyde, melamine, or oxalic acid. This adhesive layer can be formed by applying and drying an aqueous solution. When preparing that aqueous solution, it is also possible to admix other additives or catalysts such as acid, when necessary. A polarizing plate according to the present invention can be used as an optical element laminated with other optical layers. There are no particular limitations regarding the optical layers, and for example it is possible to use one or two or more suitable optical layers used in the formation of liquid crystal displays or the like, such as a reflecting plate, a semitransparent reflector, a retardation plate (including half wavelength plates and quarter wavelength plates). A retardation plate or the like can be used to change linearly polarized light into elliptical or circular polarized light, to change elliptical or circular polarized light into linearly polarized light, or to change the polarization direction of linearly polarized light. Specific examples of a retardation plate include

birefringent films, oriented films of a liquid crystal polymer, and films in which an oriented layer of a liquid crystal polymer is supported by the film, and such films are made by stretching a film made from polycarbonate, polyvinyl alcohol, polystyrene, polymethyl methacrylate, polypropylene, or other suitable polymers such as polyolefines, polyalylates, or polyamides. The polarizing plate of the present invention can also be made by laminating two or three or more optical layers, such as the above-described polarization separation type polarizing plate. (36) The polarizing plate and optical elements in accordance with the present invention can also be provided with an adhesive layer for adhesion with other components such as the liquid crystal cell. That adhesive layer can be made of an appropriate conventional adhesive agent, such as an acrylic adhesive agent. It is particularly preferable that the adhesive layer has a low moisture absorption rate and excellent heat resistance properties, from the aspect of preventing the problems of foaming and peeling due to moisture absorption, preventing a drop in optical properties and warping of the liquid crystal cell due to differences in thermal expansion, for example, and in turn the ability to fabricate a high-quality liquid crystal display having excellent durability. It is also possible to add fine particles to the adhesive layer so that it exhibits optical dispersion properties, for example (See *Detailed Description of Invention*). With regards to the property limitations that adhesive (A) has a glass transition temperature of not higher than 0°C and a Young's modulus at 23°C of not more than 10 MPa, and that adhesive (B) has a glass transition temperature of not lower than 40°C and a Young's modulus at 23°C of not less than 30 MPa, the Examiner takes the position that such limitations are met by the adhesives

taught by Saiki et al. given that those taught by Saiki et al. and the adhesives of the claimed invention have the same chemical composition.

Response to Arguments

5. Applicant's arguments filed on April 7, 2008 have been fully considered but they are not persuasive. Applicants traverse the rejection of claims 1-3, 5, and 8 under 35 U.S.C. 102(e) as being anticipated by Saiki et al. (US 6,747,720 B2) and submit that Saiki fails to disclose a wave plate having two or more retardation films. However, the Examiner disagrees. Saiki specifically states that "there are no particular limitations regarding the optical layers, and for example it is possible to use one or two or more suitable optical layers used in the formation of liquid crystal displays or the like, such as a reflecting plate, a semitransparent reflector, a retardation plate (including half wavelength plates and quarter wavelength plates)". Hence, the above rejection is maintained.

Allowable Subject Matter

6. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEEBA AHMED whose telephone number is (571)272-1504. The examiner can normally be reached on Monday-Friday from 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571)272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sheeba Ahmed/
Primary Examiner, Art Unit 1794